

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Charles Seaford

**TOWN COUNCIL**  
Don Bringle  
Arthur Heggins  
Brandon Linn  
Rodney Phillips  
Steve Stroud

## **TOWN OF CHINA GROVE**

### **A regular meeting of the China Grove Town Council**

**Tuesday, August 10, 2021**  
**6:00 p.m.**

**China Grove Town Hall**  
**China Grove, North Carolina**

#### **CALL TO ORDER**

Mayor Seaford called the regular meeting of August 10th, 2021 to order. He led us in the Pledge of Allegiance.

Mayor Seaford called roll. All council members were present. There was a quorum.

Mr. Linn made a motion to adopt the agenda. Mr. Phillips seconded the motion, which carried unanimously.

Consent Agenda items:

- a) Approve Minutes from June 1<sup>st</sup>, 2021 regular meeting
- b) Adopt Resolution Accepting ARP Funds
- c) Adopt Resolution Authorizing Town to Engage in Electronic Payments

Mr. Linn made a motion to approve the consent agenda. Mr. Phillips seconded the motion, which carried unanimously.

#### **CITIZENS COMMENT**

Ella Lowery – 549 W Kirk Street

She stated a couple years back there was a program or grant helped out several residents in town. She asked if the town knew of another grant that would be coming to help remodel low-income or handicap residents. She would like to know how to apply if possible. She also stated there is a lot of high grass along Kirk Street that needs to be mowed.

Rebecca Sullivan – 288 W Church Street

She stated there was a group of neighbors that have been discussing the traffic on Church Street on the Nextdoor app. She stated they meet with Officer Fox a couple of weeks back and discussed some suggestions to help with speeding. She stated the Police Department did a study over a years' time they wrote 500 citations for speeding in and around China Grove. She stated the study done on Church Street showed some vehicles going 60 MPH in a 35 MPH zone. She stated some of the suggestions are adding speed limit signs, adding speed limit signs that state radar enforced, or adding flashing lights to the speed limit signs. She stated she would like to contact NCDOT to see if they would provide digital signs to let people know how fast they are going. She stated since the houses are so close to the street one bad accident could take a couple of houses out.

#### **NEW BUSINESS**

- I) Adopt Resolution of Intent to Consider Permanently Closing Unnamed Road

Mr. Brooke stated it is a plated street is on the opposite side of I-85 and the road was never developed. He stated this is located in the Town's ETJ. He stated when the Town want to closes a road a Resolution of Intent has to be past and a Public Hearing is required.

Mr. Heggins made the motion to adopt the Resolution of Intent and set a public hearing for September 7<sup>th</sup>, 2021 at 6:00 p.m. Mr. Bringle seconded the motion which carried unanimously.

## **PUBLIC HEARING**

### **I) 2021-CZ-01; East Ketchie Street Townhomes**

Mr. Gover stated the applicant, Terrell Lambert is proposing to construct six townhomes along East Ketchie Street at the US 29 Highway intersection. He stated the property is currently within the main Highway Business district along US 29 HWY. He stated the Planning Board previously considered a major site plan for a proposed O'Reilly's that was never developed. He stated the total acres is 1.86 and will need to be divided into six new parcels which requires the approval of a major subdivision plat. He stated townhomes are subject to the multi-family dimensional criteria established in Section 3.5. He stated the design guidelines within Chapter 5 are suggestions and the Council may require design guidelines as part of the Conditional Zoning process. He stated the property owner must agree to the design guidelines prior to approval and must sign a Certificate of Approval. He stated Type D landscaping is required with a minimum of one canopy tree in the front of each parcel. He stated the Town requires the dedication of 20 ft. of right-of-way to accommodate a 60 ft. residential street right-of-way for future street improvements. He stated the homes will share paired driveways along East Ketchie Street and no sidewalks are required. He stated the property is served by Salisbury Rowan Utilities water and sewer. He stated the UDO requires 20% open space and the developer is proposing 86% which includes the floodplain area. He stated the engineer has overlayed the stream buffer to align with Town Code. He stated there is a significant amount of modified detail Special Flood Hazard Area on the subject parcel. He stated Rowan County Planning and Development administers the Flood Damage Prevention Ordinance and will require a development permit. He stated Sediment and Erosion Control measures are required but an SEC plan may not be required by Rowan County Planning and Development. He stated this project is located along major thoroughfare road US 29 HWY, our primary commercial corridor. He stated the Land Use Plan recommends General Commercial along the US 29 Corridor, however the US 29 Corridor Plan recommends allowing a mixture of uses along the corridor including multi-family. He stated the US 29 Plan envisions a Highway Business corridor with missed uses and commercial centers, including a variety of housing types. He stated the development is designed to meet the minimum requirements of the R-M district and adjoins a rapidly developing existing R-M district. He stated no one spoke in opposition of the proposal at the Planning Board meetings on June 8<sup>th</sup> & 10<sup>th</sup>, 2021. He stated the Planning Board recommended approval with the Conditions: Increase in the maximum setback from 25 ft. to 42 ft. as proposed, Allow 86% proposed open space to satisfy the open space requirements of Chapter 6 protecting the adjoining creek, The rezoning is not effective until the Certificate of Approval with conditions is signed by the applicant. He stated if approved the Land Use Map will be amended but not the Land Use Plan.

Mr. Bringle stated the plat looks to have one tree in the back and one in the front. Mr. Gover stated they are proposing more than the minimum required.

Mr. Phillips asked if there are any driveway standards. Mr. Gover stated they have to be concrete. Mr. Phillips asked if the applicant agreed to the three conditions that Planning Board placed. Mr. Gover stated yes.

Mr. Linn asked if the increase of the maximum set from 25 to 42 is measured from the front. Mr. Gover stated it is measured from the street right-of-way.

Mr. Bringle stated he drove the area this past weekend and there is quite a bit of growth on this street. He stated two homes are under construction and a duplex is under construction as well. Mr. Gover stated there is room for at least four more houses on the left side and then the large parcel across from this project that could be developed.

Mr. Heggins asked if sidewalks could be a condition since there is a lot of development in the area. Mr. Gover stated it could be added as a condition.

Mayor Seaford opened the Public Hearing.

Jeff Young – 2578 Sunberry Lane, Concord, NC

He stated we have modified the plans several times after meeting with Mr. Gover, NCDOT and the engineers from Alley, Williams, Carmen and King.

Terrell Lambert – 1190 Millbridge Road, China Grove, NC

He stated we did change the plat to allow for the space for sidewalks after meeting with the Planning Board. He stated they are open to the discussion of placing sidewalks in. He stated they will be grading and grassing the back yard. He stated with the market the way it is we find out what type of materials are available when the order is placed.

Mayor Seaford closed the Public Hearing.

Mr. Linn stated he agrees with Mr. Bringle and Mr. Heggins on adding sidewalks as a condition. Mr. Stroud asked if the other development on the street would coming before Council, and have we required them to place sidewalks in. Mr. Gover stated they are permitted by right and would not be coming before Council so we could not require them to put sidewalks in. Mr. Stroud stated he does not see the need to require Mr. Lambert to put sidewalks in if the other projects would not be required. Mr. Bringle stated that is a good point and rescinds his request.

Mr. Phillips made the motion 2021-CZ-01 is not consistent with the Land Use Plan's recommended general commercial zoning along the US 29 Corridor, however it is consistent with the US 29 Corridor Plan that recommends allowing a mixture of uses along the corridor. He stated the plan is reasonable due to the impacts of the stream buffer and flood plain on the site which renders the site less suited for commercial development. He also made the motion to approve the request to rezone Rowan County Tax Parcel 103 02502 from Highway Business to Mixed Residential Conditional Zoning, with the following Conditions: Increase in the maximum setback from 25 ft. to 42 ft. as proposed, Allow 86% proposed open space to satisfy the open space requirements of Chapter 6 protecting the adjoining creek, The rezoning is not effective until the certificate of approval with conditions is signed by the applicant. Mr. Heggins seconded the motion which carried unanimously.

## II) 2021-CZ-02; Liberty Grove

Mr. Gover stated the applicant, Kyle diPretoro is requesting a Conditional Zoning district to accommodate a major subdivision consisting of 2.8 acres of commercial area, 92 townhouses, and 148 single-family homes. He stated approximately 61 acres of the subject parcels is zoned Light Industrial, with 1.97 acres of Mixed Residential, and 10 acres of Suburban Residential making a total of 76.2 acres. He stated the properties are located in the ETJ and will have to go through the volunteer annexation process if approved. He stated the main entrance would be off of Lentz Road with connectivity to Grove Street and East Liberty Street. He stated the UDO requires the setbacks to be 10 to 25 ft. for front, 5 ft. for side, and 25 ft. for rear. He stated the proposed front setback are 20 ft., side setbacks are 7.5 ft., and rear setbacks are 20 ft. He stated the proposed lot width for single family dwelling is 50 ft. and for the townhomes is 22 ft. He stated the UDO requires a maximum of 15 units per acre and the proposed density is 3.46 units per acre. He stated they are proposing 25.6 acres of open space which consist of a 2,000 sq. ft. plaza, stormwater control areas, nature preserve and cluster mailboxes. He stated the proposed plat utilizes 60 ft. and 50 ft. residential street cross-sections with the primary residential streets utilizing the 60 ft. to accommodate more capacity. He stated sidewalks are on both sides of the street, curb and gutter with planting strips are included. He stated a site shall not be graded to create a slope greater than 2:1 at adjacent properties unless the slope already existed on the undeveloped land. He stated according to the Land Use Plan this property is in the General Commercial future land use category which recommends retail and service uses in commercial centers. He stated commercial centers limit driveway curb cuts along thoroughfare roads maintaining traffic flows. He stated the recently adopted US 29 Corridor Plan recommends including a variety of residential uses along the corridor. He stated the proposed subdivision has layers of uses which help increase compatibility starting with a commercial area along Lentz Road which transitions into an area of townhomes and then single-family homes as you approach the existing single-family homes along Grove Street. He stated the Land Use Plan strategies encourage a mix of housing types and compatible use, promotes walkability and minimize traffic congestion, and encourages the use of conditional zoning to improve compatibility with existing single-family dwellings. He stated if approved this development would join an existing Mixed Residential zoning district which runs along Grove Street and East Liberty Street. He stated Grove Street and Heglar Street are primarily single family. He stated there are existing townhome style apartments on Grove Street. He stated the Planning Board voted to recommend approval with conditions.

Mr. Stroud asked if the side setbacks would be a total of 7.5 ft. or 15 ft. Mr. Gover stated a total of 15 ft. in between homes.

Mr. Stroud asked if this development would affect the Wise Oil property. Mr. Gover stated no.

Mayor Seaford opened the Public Hearing.

Sarah Shirley, American Engineering – 8008 Corporate Drive, Charlotte, NC

She stated they believe there is a lot of opportunity in China Grove and they are excited to bring growth to the area. She stated by providing a mixed used community with commercial center, townhomes and single-family homes, and improving connectivity we meet the goals of the comprehensive plan. She stated for the commercial area we are placing the buildings close to the road and placing the parking in the rear. She stated the plaza would be located near this development to allow for small gathering. She stated they are gearing the commercial space towards breweries, small restaurants, and services for the neighborhood. She stated homes in China Grove are selling for \$227,900. She stated the benefit of a new community is that it increases property values on existing homes. She stated the proposed plan would add \$350,000 to \$400,000 to the Towns revenues. She stated the community would bring customers to the businesses in Town.

Mr. Stroud asked if the commercial development would connect to Jimmies or Gary's BBQ. She stated there is right-of-way reserved for Bare Street for future development.

Mr. Bringle stated he is glad to see vinyl is not the main material. Mr. Stroud stated 15 ft. in between homes is an improvement from 10 ft.

Pam Allen – 520 Lentz Road

She stated she asked at the Planning Board meeting how would Rowan Salisbury Schools handle the increase in students in the area. She stated she is a retired teacher and this is a concern of hers. She asked what would be done for mosquito control at the retention ponds and will there be fencing around the ponds. She stated Lentz Road is a very busy road with lots of accidents. She stated several residents are worried the road may be changed into a four-lane road. She asked if a sound barrier would be placed in for I-85 noise. She stated she is concerned about the wild life that lives in the area.

Gary Sheets – 314 W Ketchie Street

He stated he has lived here for 27 years. He stated that he has seen some growth in that time. He stated anything that stops growing dies. He encouraged the Council to allow growth to accrue and embrace the opportunities that are being presented.

Ted Kinnis – 255 Lentz Road

He stated he has listened to the presentation and still does not know what he will be looking at from his front porch if this neighborhood is developed. He stated he has the same concern about the road be widened. He stated he is concerned with the number of homes on that property.

Ella Lowery – 549 W Kirk Street

She asked how this development would accommodate the elderly and handicap.

Norma Honeycutt – 903 Grove Street

She stated she is concerned about traffic at the intersection of East Liberty and Hwy 29. She stated when developed this would bring 480 more vehicles to this area if there were two vehicles per home. She stated her property is not in the city limits but everyone around them is inside the city limits. She asked if her property would be annexed into the city limits. She requested sidewalks on Grove Street to tie into this neighborhood. Mr. Gover stated annexation is a volunteer process and this rezoning only affects the subject parcels.

Sarah Shirley, American Engineering – 8008 Corporate Drive, Charlotte, NC

She stated she wanted to address some of the questions asked by residents. She stated it is her understanding that the schools are not at capacity yet but we know by increasing to capacity we are helping the schools take advantage of the state funding left. She stated the retention ponds are going to be sized and designed as part of the civil design process and could be dry or wet. She stated they are only to meet the stormwater standard and will be dry most of the time. She stated we don't own property along I-85 and could not place a sound barrier in. She stated their next step is to do a traffic impact analysis if approved to see what type of improvements that we would need to make to Lentz Road. She stated if you are across the street from this neighborhood then you would be looking into the commercial development.

Mayor Seaford closed the Public Hearing.

Mr. Phillips stated he loves the creativity with single family, townhomes and commercial areas. He stated there are more people that want to move to China Grove than we have houses. He stated there are three homes being built on North Main Street that look out of place among large homes with porches. He stated China Grove would benefit from a neighborhood like this.

Mr. Stroud stated this project is a little more unique than what we have seen. He agrees with Mr. Sheets that growth is coming to China Grove. He stated he wants China Grove to maintain as much character as it has now as we grow. He stated he knows that traffic will increase but the growth is inevitable.

Mr. Linn stated he is thankful for the fact that you all listened to what the town wanted and developed a plan that meets the needs.

Mr. Phillips made the motion 2021-CZ-02 is consistent with the Land Use Plan's recommended strategies that encourage a mix of housing types and compatible uses, promotes walkability and minimize traffic congestion. He stated it is also consistent with the US 29 Corridor Plan that recommends allowing a mixture of uses along the US 29 Hwy corridor. He also made the motion to approve the request to rezone Rowan County Tax Parcels 124 0190000001, 124 0190000002, 124 102, 124, 061, and 124 046 from Mixed Residential, Suburban Residential, and Light Industrial to Mixed Residential Conditional Zoning, with the following conditions: Allow open space as presented, Allow setbacks as present on preliminary plat, Land uses within the identified commercial area will be focused on uses that will serve the neighborhood with the uses that are prohibited include: fast food with drive-throughs and gas stations, Townhomes will have front facades with multiple planes to create visual interest and distinguish between homes, Single family homes will provide a minimum 7.5 ft. side yard setback on each side, Primary material for single family detached homes and townhomes will exclude vinyl with vinyl only being used for soffits, eaves and other related accessory details, The rezoning is not effective until the Certificate of Approval defining mutually agreed upon conditions is signed and notarized. Mr. Linn seconded the motion, which carried unanimously.

Mayor Seaford recessed the meeting for a bathroom break at 7:35 P.M. The meeting was continued at 7:45 P.M.

### III) 2021-CZ-03; Kensington

Mr. Gover stated the applicant, CESO on behalf of Dependable Development is requesting a rezoning from Suburban Residential district to a Mixed Residential Conditional Zoning District to accommodate a major residential subdivision with 50 ft. wide lots. He stated at the June 4<sup>th</sup>, 2019 meeting the Council suspended the review process for 2019-Z-01 and 2019-CUP-02 suggesting the applicant review their plans and accommodate the existing Suburban Residential minimum lot width of 70 ft. He stated after deliberation and discussion at the October 1<sup>st</sup>, 2019 Council meeting the applicant chose to withdraw their request. He stated the UDO requires the setbacks to be 10 to 25 ft. for front, 5 ft. for side, and 25 ft. for rear. He stated the proposed front setback are 10 ft., side setbacks are 5 ft. rear setbacks are 25 ft. He stated the proposed lot width for single family dwelling is 50 ft. and 60 ft. He stated the UDO requires a maximum of 15 units per acre and the proposed density is 3 units per acre. He stated they are proposing 11.25 acres of open space consisting of 7.2 acres of nature preserve, 1.34 acres of park, stormwater control areas and cluster mailboxes. He stated the proposed plat utilizes 60 ft. residential street cross-sections. He stated there is a future connectivity in front of Ocelot Ln for future development. He stated according to the Land Use Plan this property is located in the Rural Residential future land use category. He stated this district is designed for low to medium density offering larger lots. He stated the request aligns with the Land Use Plan Strategies which encourage a mix of housing types and compatible use, promotes walkability and minimize traffic congestion, and

encourages the use of conditional zoning to improve compatibility with existing single-family dwellings. He stated the US 29 Corridor Plan recommends allowing a variety of housing types along the corridor. He stated he would recommend requiring the greenway to be paved. He stated as the Town grows, we need to develop greenways that connect neighborhoods.

Mr. Bringle asked how wide is the section that connects to Shue Road. Mr. Gover stated it is 20 ft. and is only a dedicated greenway connection. Mr. Bringle asked if the only access to the neighborhood is from Hwy 29. Mr. Gover stated Red Fox Lane and the new Black Bear Lane would be the entrances to the neighborhood. Mr. Bringle stated the greenway to Shue Road would be the only way residents from this neighborhood could have a golf cart and access 35 MPH roads to get around town.

Mr. Stroud asked if this neighborhood would have a HOA. Mr. McDonnald stated there would be an HOA.

Mr. Phillips asked who would maintain the greenway. Mr. Gover stated if it was built to the greenway standard then the Town could maintain it. Mr. Bringle asked if NCDOT would have an issue with the greenway entering Shue Road. Mr. Gover stated he would ask but he thinks it would just require signage.

Mayor Seaford opened the Public Hearing.

Andrew McDonald, True Homes

He stated they listened to what the Town was asking for and come up with the condition that Mr. Gover just read aloud. He stated one that was missed was having two different materials per home. He stated they did not want a cookie cutter feel when you go through the neighborhood. He stated all homes will have a porch or stoop. He stated the Planning Board was concerned with fire safety so we are committed to not using vinyl. He stated the property in front of the neighborhood is for sale and this neighborhood could spur this property to develop as commercial.

Mr. Stroud asked if True Homes developed the property in Landis on Hwy 29 and why the roads have not been paved. Mr. McDonald stated they were paved in the last year or so. Mr. Stroud asked why it took so long to pave the road. Mr. McDonald stated the first developer went out of business and the next developer came in to finish the project. He stated True Homes fix what the other developer did not bond. Mr. Linn stated he would contest that True Homes did everything they could to get the development finished.

Mr. McDonald committed to paving a 10 ft. cross section of the greenway.

Cheryl Sheets – 314 W Ketchie Street

She asked the price range for the homes. She stated she struggles with why people would want to live in this development vs the Liberty Grove development that offers a commercial area. She asked the Council is there a standard on the developments coming in.

Andrew McDonald, True Homes

He stated low \$300,000 to \$380,000 the market could go up from there. He stated the commercial property is there but they do not own it. He stated by building the development it could spur commercial development at the entrance to the neighborhood. He stated Liberty Grove has a range of options from townhomes to single family homes on 50 ft. lots. He stated True Homes is a simi custom builder with 50 and 60 ft. lots.

Mr. Bringle stated the Planning Board sets our guidelines and standards. He stated we are always looking for new members for the Board. He stated most of the questions and concerns are addressed at the Planning Board before it makes it to Town Council.

Gary Sheets - 314 W Ketchie Street

He stated the standard for roads is 24 ft. wide. He stated this does not give a lot of room for parking in the street. He stated a lot of neighborhoods have a street parking problem and it is hard to navigate through the neighborhoods when this happens.

Mayor Seaford closed the Public Hearing.

Mr. Phillips asked how do we protect ourselves against a developer not completing a condition. Mr. Gover stated getting the amount of the bond correct. He stated McGill that reviews all our bond numbers to make sure it is an acute depiction of what it would cost to pave and then adds an addition 25%. He stated having a strong agreement between the developer and the Town is another why to protect ourselves.

Mr. Phillips made the motion 2021-CZ-03 is reasonable because it proposes single family homes hear US 29 a major transportation corridor and is consistent with the Land Use Plan by providing sidewalks, walking trails, balancing growth with community impacts, retaining open spaces and extending water and sewer utilities. He also made the motion to approve the request to rezone Rowan County Tax Parcels 115 062, 117 165, 117 204, 117 205 from Suburban Residential to Mixed Residential Conditional Zoning with the following conditions: Single family homes will not use vinyl siding as a material and will use at least two exterior materials per home, Homes will have porch or stoop projections from front façade and include windows and decorative hardware on garage doors, Home elevations will not repeat side by side, If a steep sloop, a change of 8 ft. or more is present lots shall be 60 ft. in width, Lots shall have a usable rear yard with no steep slope beginning within 12 ft. of the rear façade of the home, The developer shall install a 10 ft. paved greenway path up to Shue Road using a greenway cross section for connection to Shue Road to ensure future compatibility with grants or other city green projects, The developer shall install walking trails through the nature preserve areas and shall connect to cul-de-sacs specific segments include Black Bear to Mountain Goat, Mountain Goat to Grey Wolf temporary cul-de-sac, and around White Hare, The developer shall indicate on the plat a future street connection to the rear of the North Main Street Baptist in the form of a recorded right-of-way but no physical improvements are required, No slope greater than 3:1 shall be present on residential lots, The rezoning in not effective until the Certificate of Approval defining mutually agreed upon conditions is signed and notarized. Mr. Linn seconded the motion, which carried unanimously.

#### IV) 2021-TA-01; Building Height Modifications

Mr. Gover stated the proposed amendment allows administrative modifications of building heights to allow design flexibility and appropriate building scale. He stated currently Chapter 3 of the UDO limits building heights. He stated the addition would include:

#### ***Section 5.3 Increases to Maximum Height Requirement***

- A. The Zoning Administrator may increase the maximum height limits set forth in Chapter 3 by one foot for every additional foot provided between the building footprint and the minimum required setbacks in accordance with this ordinance.***
- B. The Planning Board may increase the maximum building height up to 15% if the following criteria are met:***
  - a. The building is in the Central Business District; or***
  - b. The building is part of a mixed-use development.***

He stated the Planning Board voted unanimously to recommend approval based on the following statement of consistency and reasonableness: Building height is not addressed by the Land Use Plan which could not foresee development requiring building height increases beyond the established minimum criteria of Chapter 3 of the UDO. The amendment is reasonable due to the fact it allows for flexibility and building height modification.

Mayor Seaford opened the Public Hearing.

Mayor Seaford closed the Public Hearing.

Mr. Phillips made the motion building height is not addressed by the Land Use Plan which could not foresee development requiring building height increases beyond the established minimum criteria of Chapter 3 of the UDO. He stated the amendment is reasonable due to the fact it allows for flexibility and building height modification. He also made the motion to approve 2021-TA-01. Mr. Stroud seconded the motion, which carried unanimously.

#### **COUNCIL UPDATES**

Mayor Seaford stated Cabarrus Rowan Medical Center is holding a ribbon cutting on Thursday, August 12, 2021.

#### **ADJOURNMENT**

Mr. Stroud made a motion to adjourn. Mr. Bringle seconded the motion, which carried unanimously.

**Respectfully Submitted,**

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**Pamela L. Mills, CMC**  
**Town Clerk**

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**Charles Seaford**  
**Mayor**